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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 United States of America,

10 Plaintiff,

11 vs.

12 Rogelio Adan Rubio-Diaz,

13 Defendant.

2:18-cr-00332-APG-NJK

**Motion and Order to Dismiss
Indictment Without Prejudice**

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15 The United States of America by and through Nicholas A. Trutanich, United States
16 Attorney for the District of Nevada, and Kevin Schiff, Assistant United States Attorney,
17 pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure seek leave from this Court
18 to dismiss the Indictment in the above captioned matter without prejudice.

19 On October 25, 2018 the Defendant was ordered released pending trial on a personal
20 recognizance bond with conditions of pre-trial release. Immediately after that release, the
21 Defendant was taken into custody by Immigrations and Customs Enforcement (ICE).
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1 The Government was informed by ICE on January 17, 2019 that the Defendant was
2 removed from the United States on January 15, 2019.

3 DATED this 22nd day of January, 2019.

4 NICHOLAS A. TRUTANICH
5 United States Attorney

6 /s/ Kevin Douglas Schiff
7 Kevin D. Schiff
8 Assistant United States Attorney

9 **Certificate of Service**

10 I, Kevin Schiff, certify that Counsel for the Defendant, Nisha Brooks-Whittington,
11 was served with a copy of this motion on this date by through the electronic case filing
12 system.

13 DATED: January 22, 2019

14 /s/ Kevin Douglas Schiff
15 KEVIN SCHIFF
16 Assistant United States Attorney
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1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 United States of America,

2:18-cr-00332-APG-NJK

4 Plaintiff,

**Order Dismissing the Indictment
Without Prejudice**

5 vs.

6 Rogelio Adan Rubio-Diaz,

7 Defendant.

8 Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure the United States
9 Attorney for the District of Nevada has moved to dismiss without prejudice the Indictment
10 and all charges brought against Rogelio Adan Rubio-Diaz in the above captioned matter.

11 With leave of this Court, the Motion is granted and the Indictment is dismissed
12 without prejudice. All future court hearings to include the trial currently set for May 6, 2019
13 and Calendar call currently set for April 30, 2019 are hereby vacated. Any previously
14 imposed conditions of pre-trial release are hereby exonerated.

15 IT IS SO ORDERED:

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17 ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE

18 Dated: January 25, 2019.
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